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6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 GIL CROSTHWAITE, et al., as Trustees of the  
11 OPERATING ENGINEERS' HEALTH AND  
WELFARE TRUST FUND, et al.,

12 Plaintiffs,

13 v.

14 HATCHETT MOUNTAIN CONSTRUCTION,  
15 INC., a California Corporation; and TIMOTHY  
J. KEMPKE, an individual; and HEBER D.  
16 FLOYD, JR. an individual,

17 Defendants.

Case No.: C08-5477 SC

**NOTICE OF VOLUNTARY DISMISSAL**

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19 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs GIL  
20 CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the  
21 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN  
22 CALIFORNIA, et al., voluntarily dismiss, without prejudice, the within action against Defendants  
23 HATCHETT MOUNTAIN CONSTRUCTION, INC., a California Corporation; TIMOTHY J.  
24 KEMPKE, an individual; and HEBER D. FLOYD, JR. an individual. Service of the Summons  
25 and Complaint in this action has not been effectuated on any of the Defendants. Plaintiffs have  
26 not previously filed or dismissed any similar action against Defendants.

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1 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 22nd day of June, 2009, at San Francisco, California.

4 SALTZMAN & JOHNSON  
5 LAW CORPORATION

6 By: \_\_\_\_\_/S/\_\_\_\_\_  
7 Muriel B. Kaplan  
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice and all dates herein are herewith vacated.

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12 Date: June 24, 2009

